

U.S. Application No. 09/271,259
Docket No. 2091-0189P
October 30, 2003
Art Unit: 2612

REMARKS

Favorable reconsideration and allowance of the present application are respectfully requested in view of the following remarks. Claims 1-20 were pending prior to the Final Office Action. Claims 21-24 have been added through this Reply. Therefore, claims 1-24 are pending. Claims 1, 3, 5, and 13 are independent.

ALLOWABLE SUBJECT MATTER

Applicants appreciate that claims 2, 4, 6-12, and 14-20 are indicated to define allowable subject matter.

OBJECTION TO THE SPECIFICATION

The title is objected to for as allegedly being non-descriptive. The title has been amended as shown above. Applicants respectfully request that the objection to the title be withdrawn.

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§ 102 REJECTION - KAWAI

Claims 1 and 3 stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Kawai et al. (USPN 5,943,143) ("Kawai"). Applicants respectfully traverse.

For a Section 102 rejection to be proper, the cited reference must teach or suggest each and every claimed element. See *M.P.E.P.* 2131; *M.P.E.P.* 706.02. Thus, if the cited reference fails to teach or suggest one or more elements, then the rejection is improper and must be withdrawn.

In this instance, Kawai fails to teach or suggest each and every claimed element. Applicants previously argued that Kawai fails to teach or suggest at least "adjusting the brightness of the image ... based on color saturation" as recited in claims 1 and 3 and indeed, Kawai teaches quite the opposite. See *Rule 111 Reply filed on April 7, 2003, hereinafter "April 7 Reply."* Applicants maintain this argument.

In addition, independent claim 1 also recites, in part, "adjusting the brightness of the image ... based on the average brightness of the image." Independent claim 3 also recites a

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similar feature. It is clear that Kawai does not teach or suggest this feature.

Therefore, claims 1 and 3 are distinguishable from Kawai. Applicants respectfully request that the Section 102 rejection of claims 1 and 3 based on Kawai be withdrawn.

§ 102 REJECTION - KUWATA

Claims 5 and 13 stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Kuwata (USPN 6,351,558). Applicants respectfully traverse.

As noted above, if a cited reference fails to teach or suggest one or more elements, then the Section 102 rejection is improper and must be withdrawn.

In this instance, independent claim 5 recites, in part, "adjusting the brightness of the image ... based on the average brightness of the image." Independent claim 13 also recites a similar feature. It is clear that Kuwata does not teach or suggest this feature.

Kuwata is directed toward automatic recognition of the image type and processing the image based on the image type.

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See *Kuwata*, column 2, lines 42-44. An example of an image type is "natural." *Kuwata* discloses that the image type is determined on the basis of "number of colors." See *Kuwata*, column 3, lines 15-38.

However, *Kuwata* is simply silent regarding adjusting brightness of the image based on the average brightness of the image. Therefore, claims 5 and 13 are distinguishable over *Kuwata*. Applicants respectfully request that the Section 102 rejection of claims 5 and 13 based on *Kuwata* be withdrawn.

NEW CLAIMS

Claims 21-24 have been added through this reply. All new claims are believed to be distinguishable over the cited references, for at least due to their dependency from claims 1, 3, 5, and 13, respectively.

Applicants respectfully request that the new claims be allowed.

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CONCLUSION

All objections and rejections raised in the Final Office Action having been addressed, it is respectfully submitted that the present application is in condition for allowance. Should there be any outstanding matters that need to be resolved, the Examiner is respectfully requested to contact Hyung Sohn (Reg. No. 44,346), to conduct an interview in an effort to expedite prosecution in connection with the present application.

Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), Applicant(s) respectfully petition(s) for a one (1) month extension of time for filing a reply in connection with the present application, and the required fee of \$110.00 is attached hereto.

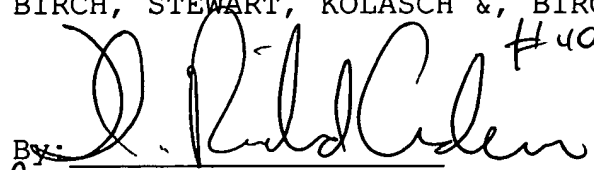
If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any

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overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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